

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of New York

UPSTATE NEW YORK ENGINEERS HEALTH  
FUND, etc., et al.

*Plaintiff(s)*

v.

Hayes Paving, Inc. and Brian Hayes, Individually and  
as an Officer of Hayes Paving, Inc.

*Defendant(s)*

Civil Action No. 5:13-CV-1225 (GTS/DEP)

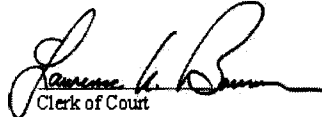
## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hayes Paving, Inc.  
100 Saratoga Village Blvd.  
P.O. Box 2166  
Malta, New York 12020-8166

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jennifer A. Clark, Esq.  
Blitman & King LLP  
Franklin Center, Suite 300  
443 North Franklin Street  
Syracuse, New York 13204-5412

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

  
Clerk of Court



Date: 10/2/2013

s/ Lynda Hennessy

*Signature of Clerk or Deputy Clerk*

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
STATE OF NEW YORK COURT, COUNTY OF NEW YORK

UPSTATE NEW YORK ENGINEERS HEALTH  
FUND ETC. ETAL

Plaintiff,

-against-

HAYES PAVING INC. AND BRIAN HAYES  
INDIVIDUALLY AND AS AN OFFICER OF  
HAYES PAVING INC.

CIVIL ACTION NO.  
INDEX# 5:13-CV-1225 (GTS/DEP)  
FILED:

Defendant.

STATE OF NEW YORK  
COUNTY OF SARATOGA ss:

MARY F. VAN DER VEER, being duly sworn, deposes and says that she ~~is~~ is over the age of twenty-one (21) years; that on the 25th day of NOVEMBER 2013 at 1:00P.M. at the Office of the Secretary of State, State of New York in the City of Albany, New York, he served the annexed SUMMONS AND COMPLAINT IN A CIVIL ACTION on HAYES PAVING CO. INC. HERE IN CALLED HAYES PAVING INC. with Notice/General Order #25 (Filing Order) included defendant in this action, by delivering to and leaving with MARY BETH HUYCK (BDS) in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of New York, two (2) true copies thereof and that at the time of making such service deponent paid Secretary of State a fee of FORTY dollars. That said service was made pursuant to section 306, Business Corporation Law.

Deponent further says that he knew the person so served as aforesaid to be the DEMO in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

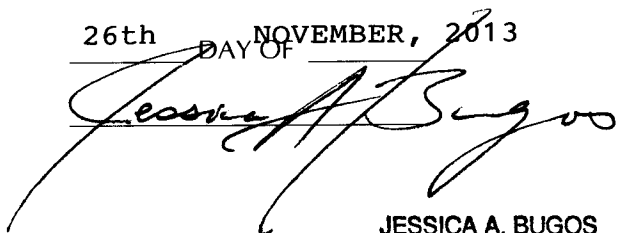
Deponent further states that he describes the person actually serviced as follows:

SEX SKIN COLOR HAIR COLOR AGE (APPROX.) HT. (APPROX.) WT. (APPROX.) OTHER FEATURES

FEMALE WHITE MEDIUM 45 5'2" 110

SWORN TO BEFORE ME THIS

26th DAY OF NOVEMBER, 2013



JESSICA A. BUGOS  
Notary Public, State of New York  
Qualified in Albany County  
No. 01BU6151745  
Commission Expires August 21, 2014



MARY F. VAN DER VEER

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As

Reset